

**IN THE CLAIMS****Kindly replace the claims of record with the following full set of claims:**

1. (original) A control apparatus for a portable device, the portable device comprising a power source and a processing system for processing media content received from a service provider via a delivery channel, the control apparatus being arranged to:

- determine remaining capacity of the power source;
- receive information from the service provider about available delivery parameters for an item of content;
- determine an operating duration for the device based on the delivery parameters and the remaining capacity of the power source; and
- send a request to the service provider specifying at least one delivery parameter for delivery of the content, based on the determination of the operating duration.

2. (original) A control apparatus according to claim 1 wherein the information received from the service provider includes a duration of the item of media content and the step of sending a request to the service provider comprises sending a parameter which will allow the portable device to operate for a period of time which equals or exceeds the duration of the item of media content.

3. (Previously presented) A control apparatus according to claim 1 wherein the information received from the service provider indicates a plurality of alternative delivery parameters for the same item of content and the control apparatus is arranged to determine an operating duration for each of the alternative delivery parameters.

4. (Previously presented) A control apparatus according to claim 1 which is arranged to determine an operating duration by making use of stored information about expected duration.

5. (Previously presented) A control apparatus according to claim 4 which is further arranged to update the stored information based on actual performance of the portable device.

6. (Previously presented) A control apparatus according to claim 1 which is further arranged to send information about available options for delivery of the media content to a user interface of the portable device.

7. (Previously presented) A control apparatus according to claim 6 which is further arranged to receive, from the user interface, a selection of an available option and the step of sending a request to the service provider is based on the selection received from the user interface.

8. (Previously presented) A control apparatus according to claim 1 which is further arranged to send information about the capabilities of the portable device to the service provider.

9. (Previously presented) A control apparatus according to claim 1 wherein the delivery parameters include at least one of: delivery data rate, video quality, video format, video resolution, frame rate, colour depth and audio quality.

10. (Previously presented) A control apparatus according to claim 1 wherein the media content is delivered to the portable device by a streaming operation.

11. (Previously presented) A control apparatus according to claim 1 which is arranged to automatically send the request to the service provider based on stored user preferences.

12. (Previously presented) A control apparatus according to claim 1 which is arranged to determine the operating duration and to send the request to the service provider during delivery of the media content.

13. (original) A control apparatus according to claim 12 which is arranged to determine the operating duration a plurality of times during delivery of media

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content.

14. (Previously presented) A portable device comprising a power source, a processing system for processing media content received from a service provider via a delivery channel and the control apparatus according to claim 1.

15. (original) A method of operating a portable device which comprises a power source and a processing system for processing media content received from a service provider via a delivery channel, the method comprising:

- determining remaining capacity of the power source;
- receiving information from the service provider about available delivery parameters for an item of content;
- determining an operating duration for the device based on the delivery parameters and the remaining capacity of the power source; and
- sending a request to the service provider specifying at least one delivery parameter for delivery of the content based on the determination of the operating duration.

16. (original) Software for controlling operation of a portable device comprising a power source and a processing system for processing media content received from a service provider via a delivery channel, the software being arranged to cause a processor of the portable device to perform the steps of:

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- determining remaining capacity of the power source;
- receiving information from the service provider about available delivery parameters for an item of content;
- determining an operating duration for the device based on the delivery parameters and the remaining capacity of the power source; and
- sending a request to the service provider specifying at least one delivery parameter for delivery of the content based on the determination of the operating duration.

17. (original) A method of delivering media content from a service provider to a portable device comprising:

- sending information to the portable device about available delivery parameters for an item of media content;
- receiving a request from the portable device specifying at least one delivery parameter for delivery of the content, the parameter being selected by the portable device in response to determining an operating duration of the device based on the delivery parameters and the remaining capacity of the power source; and
- delivering the item of media content to the portable device using the requested parameter.

18. (original) A method according to claim 17 further comprising

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receiving information about the capabilities of the portable device and the step of sending information to the portable device sends information about delivery parameters which are matched to the capabilities of the portable device.

19. (original) A method according to claim 18 wherein the request is received during delivery of the media content, and the service provider changes the delivery parameters of the item part-way during delivery of the item.

20. (original) A method according to claim 19 further comprising selecting a point in the delivery of the media content at which to change the requested parameter.

21. (original) A method according to claim 20 wherein the point is selected such that it minimises disruption to the delivery of the media content.

22. (Previously presented) A method according to claim 17 wherein the step of delivering the item of media content is a streaming operation.

23. (Previously presented) Apparatus for performing the method according to claim 17.